



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

October 2, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: BURGER AVENUE SOUND
WALL-VINE PLANTING
COUNTY OF LOS ANGELES-APPROVE STATE MAINTENANCE AGREEMENT
AUTHORIZE BUDGET ADJUSTMENT AND APPROVE CAPITAL PROJECT
CAPITAL PROJECT NO. 77436; PROJECT I.D. NO. RDC0015013
EAST LOS ANGELES
(FIRST DISTRICT) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. Approve and instruct the Chairman of the Board to sign the agreement for Maintenance of Landscape Area within State Highway Right of Way, which is an agreement with the State of California, acting by and through its Department of Transportation, that provides delegated authority and access for the County to design, implement and maintain the landscaping improvements at County expense.
3. Approve Capital Project No. 77436 scope of work and total project budget of \$73,000 for the Burger Avenue Sound Wall-Vine Planting project in East Los Angeles, and authorize the Director of Public Works or his designee to carry out the project.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

4. Approve the Budget Adjustment, transferring \$53,000 of appropriation from Capital Project No. 77500, Various First District Roads—Medians to Capital Project No. 77436 to fund the Burger Avenue Sound Wall—Vine Planting project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will establish the Burger Avenue Sound Wall-Vine Planting project scope and budget, Capital Project (C.P.) No. 77436, and will authorize the County to formalize the development and maintenance agreement with the California Department of Transportation (Caltrans) and authorize the Director of Public Works or his designee to proceed with the project.

The project scope consists of the design and installation of an irrigation system and planting vines along the sound wall on Burger Avenue for a total project budget of \$73,000. The sound wall is adjacent to the northbound Long Beach (State Route 710) Freeway in the County's unincorporated area of East Los Angeles.

The work, which includes trenching, installation of an irrigation system, and vine plantings that will cover the sound wall to deter graffiti, will be completed by the Department of Public Works personnel. The estimated area of improvement is 3,700 square feet and approximately 54 plants will be installed. Consistent with the intent of your Board's recently amended sustainable design policy, these plants are drought tolerant. Design of this project has been completed and was funded in the Fiscal Year 2006-07 Road Fund Budget.

This project is one in a series of street beautification projects intended to enhance the quality of life in unincorporated areas in the First Supervisorial District of the County of Los Angeles. The agreement delegates the authority to the County to access State-owned property to implement the project and maintain the improvements at County expense.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Community Services (Goal 6). The recommended action will improve the quality of life for the residents of East Los Angeles by deterring graffiti and enhancing the aesthetics of the sound wall on Burger Avenue.

FISCAL IMPACT/FINANCING

The total estimated cost of the project is \$73,000, which includes \$20,000 for design services completed in Fiscal Year 2006-07. The design services were funded by the Department of Public Works' Fiscal Year 2006-07 Road Fund. Therefore, the net County cost of this project is estimated at \$53,000, which is financed by one-time net County cost allocated for Enhanced Unincorporated Area Services derived from Proposition 62 funds. The Project Schedule and Budget Summary are included in Attachment A.

The Burger Avenue Sound Wall–Vine Planting project is one of several projects to be funded with appropriation budgeted under C.P. No. 77500. As programming for the remaining improvement projects is determined, the Chief Executive Office will return to your Board to obtain the proper authorizations. The attached Budget Adjustment will transfer \$53,000 from C.P. No. 77500 to C.P. No. 77436 to establish the required project funding and facilitate the tracking of project expenditures. C.P. No. 77500 includes sufficient appropriation to fund the attached budget adjustment. The recommended Budget Adjustment is included in Attachment B.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Your Board's approval of the agreement for Maintenance of Landscape Area within State Highway Right of Way (Attachment C) is necessary for the delegation of responsibilities associated with the implementation and subsequent maintenance of the proposed project. Section 130 of the California Streets and Highways Code provides that Caltrans and the County may enter into agreements for improvements to State highways within the County of Los Angeles. The agreement provides for the County to install and maintain the landscaping improvements at its expense. The agreement has been reviewed and approved as to form by County Counsel.

The Honorable Board of Supervisors
October 2, 2007
Page 4

Your Board's approval of the Capital Project is required to authorize the expenditure of the Capital Project funds for this project.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The installation of an irrigation system and landscaping is categorically exempt pursuant to Sections 15301(h) and 15304(b) of the CEQA Guidelines because these are minor alterations to an existing structure.

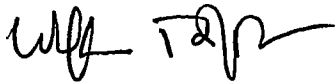
IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will improve the quality of life for the residents of East Los Angeles by deterring graffiti and enhancing the aesthetics of the sound wall on Burger Avenue.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office (Capital Projects Division) and one adopted copy of this letter and two originals of the agreement to the Department of Public Works (Programs Development Division).

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DLW:DL
JSE:DJT:RB:z

Attachments (3)

c: Auditor-Controller
County Counsel

ATTACHMENT A

**DEPARTMENT OF PUBLIC WORKS: BURGER AVENUE SOUND WALL–VINE
PLANTING**

**COUNTY OF LOS ANGELES–STATE MAINTENANCE AGREEMENT
AUTHORIZE APPROPRIATION ADJUSTMENT AND APPROVE
CAPITAL PROJECT NO. 77436; PROJECT I.D. NO. RDC0015013
EAST LOS ANGELES
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)**

I. PROJECT SCHEDULE

Project Activity	Scheduled Completion Date
Project Needs Assessment	N/A
Project Feasibility	N/A
Project Program Validation	N/A
Design	October 2006*
Construction Bid and Award	N/A
Construction	February 2008

*Actual completion date.

II. PROPOSED PROJECT BUDGET SUMMARY

Budget Category	Total Project Budget	CP 77436 Budget	Road Fund Budget
Land Acquisition	N/A	N/A	N/A
Construction			
(a) Construction	\$35,000	\$35,000	N/A
(b) Change Orders	\$3,000	\$3,000	N/A
Equipment	N/A	N/A	N/A
Plans and Specifications	\$20,000	N/A	\$20,000
Consultant Services	N/A	N/A	N/A
Miscellaneous Expenditures	N/A	N/A	N/A
Jurisdictional Review and Plan Check	N/A	N/A	N/A
County Services	\$15,000	\$15,000	N/A
TOTAL	\$73,000	\$53,000	\$20,000

ATTACHMENT B

BUDGET ADJUSTMENT

(See Next Under)

PINK

76R 352M 11/83

BOARD OF
SUPERVISORS
OFFICIAL COPY

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF **CHIEF EXECUTIVE OFFICE**

DEPT'S.
No. 060
SEPTEMBER
4 2007

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

FY 2007
3 - VOTES

SOURCES

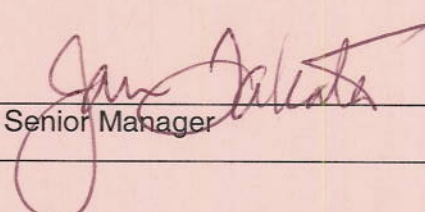
Various 1st District Roads
Various Roads - Median Landscaping
Fixed Assets - Building and Improvements
A01 - CP - 65050 - 77500 - 6014 - \$53,000
Decrease Appropriation

USES

Various 1st District Roads
Rfurb - Burger Sound Wall Vine Planting
Fixed Assets - Building and Improvements
A01 - CP - 65050 - 77436 - 6014 - \$53,000
Increase Appropriation

JUSTIFICATION

This adjustment is necessary to provide sufficient appropriation in Fixed Assets - Building and Improvements to cover the cost of constructing an irrigation system and planting vines for the Burger Sound Wall-Vine Planting project.


Senior Manager


CHIEF EXECUTIVE OFFICER'S REPORT

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

22

OCT 02 2007


SACHLI A. HAMAI
EXECUTIVE OFFICER

REFERRED TO THE CHIEF
EXECUTIVE OFFICER FOR -

ACTION

APPROVED AS REQUESTED

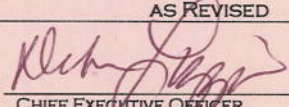
AS REVISED

✓

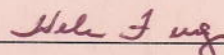
RECOMMENDATION

9/19

20 07


CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER BY



APPROVED (AS REVISED):
BOARD OF SUPERVISORS

20

NO.

012

AUG 7

2007

BY

DEPUTY COUNTY CLERK

22 of OCT 2, 2007

SEND 6 COPIES TO THE AUDITOR-CONTROLLER

ATTACHMENT C

AGREEMENT

(See Next Under)

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, 100 SOUTH MAIN STREET, 2ND FL.
LOS ANGELES, CA 90012



**AGREEMENT FOR MAINTENANCE OF LANDSCAPE
AREA WITHIN STATE HIGHWAY RIGHT OF WAY**

Permit No. 706-NLF-2165

Location: 07-LA-710-23.77

This Agreement is made and executed effective this 2nd day of October, 2007 by and between the State of California, acting by and through the Department of Transportation, District 7, located at 100 South Main Street, Los Angeles, California 90012, hereinafter referred to as "STATE", and Los Angeles County Department of Public Works, located at 900 South Fremont Avenue, Alhambra, California 91803, hereinafter referred to as "PERMITTEE".

A. RECITALS:

The parties desire to provide that PERMITTEE may install and maintain State Highway improvements which shall include landscape (planting and irrigation) along the sound wall at South Burger Avenue on the northbound 710 freeway in unincorporated county area of East Los Angeles, referred to herein as "PROJECT", as are shown on the attached Exhibit. PERMITTEE is willing to fund one hundred (100%) of all design, capital outlay, maintenance, and staffing costs.

B. AGREEMENT:

In consideration of the mutual covenants and promises herein contained, PERMITTEE agrees as follows:

1. PERMITTEE will submit plans, prepared and signed by a licensed Landscape Architect to the Office of Permits for review and approval and will obtain all necessary encroachment permits prior to the start of any work within STATE'S right of way,
2. After installation of project and to the satisfaction of STATE, PERMITTEE shall apply for an annual maintenance permit (NLM) in accordance with STATE'S standard permit procedures. PERMITTEE shall obtain aforesaid encroachment permit through the Caltrans, District 7, Office of Permits at (213) 897-3631.
3. PERMITTEE may contract with others to install, and thereafter to maintain the PROJECT per Section 6. A separate encroachment permit is required for any sponsored third party and shall be issued at no cost. In addition, a letter is required from PERMITTEE stating that authorization has been granted to a third party to perform such

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, 100 SOUTH MAIN STREET, 2ND fl.
LOS ANGELES, CA 90012



maintenance work. It is understood that terms and conditions of this agreement, or any interest herein, or any portion hereof, with exception to Section 7 shall not be assigned or delegated to third parties.

4. Damage to PROJECT resulting from accident, storm, neglect or other causes beyond the control of the STATE are the responsibility of the PERMITTEE.
5. STATE will maintain all highway signs, paved drainage structures, and other non-landscape highway appurtenance with exception to those items listed in Section "A", Recitals and as shown on the attached Exhibit.
6. In addition to designing and installing these permitted landscape items, PERMITTEE agrees to:
 - a) Provide and maintain all water and irrigation systems including utility costs for PROJECT. Irrigation system will be maintained and operated to avoid slope damage, excessive water flooding, or spraying onto the pavement.
 - b) Replace unhealthy or dead plantings as they are observed.
 - c) Keep entire PROJECT free of litter, debris and deleterious material.
 - d) Control rodents and pests.
 - e) Control weed growth before weeds exceed 6 inches in length. Any weed control performed by chemical weed sprays (pesticides) shall comply with all laws, rules, and regulations established by the California Department of Food and Agriculture.
 - f) Maintain the landscaping, paving or other unplanted areas along the roadside within the limits of the PROJECT, exclusive of paved drainage facilities, so as not to obstruct the flow of water.
 - g) All plantings shall be maintained in such condition that they do not interfere with the free flow of traffic, includes the maintenance of adequate sight distances and visibility of signs, signals, and pedestrians.
 - h) Maintain sidewalks in a safe and barrier-free condition.
 - i) Adequately water and fertilize all plantings to maintain a healthy growth. Plants shall be fertilized 3 times a year.
7. It is understood that for any reason PERMITTEE decides not to renew its maintenance permit required herein, or if the planting is not maintained to the minimum standards specified herein, STATE shall provide PERMITTEE with a written notice. PERMITTEE shall respond within thirty (30) days of receipt of said notice. Said response shall describe the action to be taken by PERMITTEE to bring the affected areas back into compliance. In the event PERMITTEE does not provide such response and take any action, this AGREEMENT will be terminated. PERMITTEE will reimburse STATE, on presentation of a bill, for all costs incurred by STATE forces or a STATE contractor to

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, 100 SOUTH MAIN STREET, 2ND FL.
LOS ANGELES, CA 90012



maintain or remove the PROJECT and to pave over or otherwise restore the area to a condition satisfactory with STATE.

8. All work performed for or by PERMITTEE within the PROJECT will be done at no cost to the STATE.
9. Various future STATE projects may be implemented which will require removal and/or modification to all or a portion of PROJECT. Any replacement landscaping including irrigation facilities may be STATE'S responsibility. Upon completion of work, which affects the limits of maintenance, a revised Exhibit will be prepared and delivered to PERMITTEE'S for review. Exhibit will supersede the original limits shown on the original permit plans.
10. Changes to PROJECT affecting public safety or public convenience, all design and specification changes and all major changes including removal, severe pruning (topping), or addition of either planting or irrigation shall be approved by STATE in advance of performing work. Unless otherwise directed by STATE'S representative, changes authorized will require an encroachment permit. Failure to notify STATE of such changes shall result in the immediate removal of PROJECT or portions of PROJECT at PERMITTEE'S expense.

C. LEGAL RELATIONS AND RESPONSIBILITIES:

1. Nothing in this provision of this AGREEMENT is intended to create duties or obligations to or rights in third parties not parties to this agreement, or affects the legal liability of either party by imposing any standard of care respecting the design, construction, and maintenance of STATE highway right of way different from the standard of care imposed by law.
2. It is understood and agreed that neither STATE, nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by PERMITTEE under or in connection with any work performed by PERMITTEE under this agreement. It is further understood and agreed that, pursuant to Government Code Section 895.4, PERMITTEE shall defend, indemnify and hold harmless the STATE, and all of its officers and employees from all claims, suits, or actions of every name, kind and description brought for or on account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by PERMITTEE under or in connection with any work performed by PERMITTEE under this agreement.
3. Upon termination of this agreement, ownership and title to all materials, equipment and appurtenances installed inside STATE'S right of way will automatically be vested in STATE. Those materials and equipment installed outside of the STATE'S right of way

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, 100 SOUTH MAIN STREET, 2ND fl.
LOS ANGELES, CA 90012



will automatically and immediately be vested in PERMITTEE, and no further agreement will be necessary to transfer ownership.

D. TERM OF AGREEMENT

This AGREEMENT shall become effective upon execution and shall remain in full force in **perpetuity** until terminated. Failure to comply with provisions set forth in Section B, Article 7 would be grounds for Notice of Termination by STATE.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT in duplicate as of the day and year stated above.

PERMITTEE

STATE OF CALIFORNIA

Signature: [Signature]

Print Name: Zen Yaro Slafsky

Title: LA County Supervisor

Phone: 213-974-3333

Date: 10-4-07

[Signature]
JEFFREY A. YUEN

LANDSCAPE ASSOCIATE

(213) 897-6381

October 25, 2007



APPROVED AS TO FORM
RAYMOND G. FORTNER, JR., COUNTY COUNSEL

BY [Signature]
DEPUTY

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Directors

By [Signature]
Deputy

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

22

OCT 02 2007

[Signature]
SACHI A. HAMAI
EXECUTIVE OFFICER